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Letter dated 4 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 16 December 2004 (S/2004/997). The Counter-Terrorism Committee has received the attached fourth report from Turkmenistan submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Madame Chairman
Security Council Committee established
pursuant to resolution 1373 (2001)

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Annex

Note verbale dated 31 March 2005 from the Permanent Mission of Turkmenistan to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

The Permanent Mission of Turkmenistan to the United Nations presents its compliments to the Chairman and, in reference to the latter's letter dated 29 November 2004, has the honour to submit herewith the fourth report of the Government of Turkmenistan, pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

Enclosure

[Original: Russian]

Report of Turkmenistan on the supplementary questions from the Counter-Terrorism Committee on measures to implement Security Council resolution 1373 (2001)

This report has been prepared in accordance with the comments made by the Chairman of the Counter-Terrorism Committee in his letter dated 29 November 2004 (S/AC.40/2004/MS/OC.465) on the third report of Turkmenistan submitted pursuant to paragraph 6 of Security Council resolution 1373 (2001).

In accordance with the Act of Turkmenistan on combating terrorism of 15 August 2003, the law enforcement agencies of Turkmenistan combat terrorism within the limits of their authority, mainly in the area of detecting and preventing potential terrorist activities and suppressing illicit links between nationals of Turkmenistan and members of international terrorist organizations.

Paragraph 1.2

The Act of Turkmenistan on combating terrorism of 15 August 2003

This Act defines the legal and organizational bases for combating terrorism in Turkmenistan, the modus operandi of and procedure for cooperation among State agencies, organizations — irrespective of the form of ownership — and public associations in combating terrorism and the rights and duties of and safeguards for citizens with respect to efforts to combat terrorism.

Chapter I. General Provisions

Article 1
Basic terms used in this Act

The basic terms used in this Act shall have the following meanings:

(1) "Terrorism" shall mean policies and tactics aimed at seizing power and forcibly changing the constitutional order of the country, violating public security, intimidating the population, creating chaos or affecting decision-making of government authorities for the benefit of terrorists or serving their illicit financial and/or other interests.

(2) "Terrorist activities" shall mean activities that involve:

- The dissemination or advocacy of the ideology of terrorism;
- The organization, planning, preparation and implementation of a terrorist act;
- Incitement to a terrorist act, violence against individuals or organizations or destruction of property for terrorist purposes;
- The organization of an illicit armed group, criminal association (criminal organization) or organized group to carry out a terrorist act and also participation in such an act;
- Recruiting, arming, training and use of terrorists;

– Intentional financing of a terrorist organization, terrorist group or terrorists or provision of any assistance to them.

(3) "International terrorist activity" shall mean terrorist activity conducted:

– By a terrorist, group of terrorists or terrorist organization in the territory of more than one State or harming the interests of more than one State;

– By nationals of one State against nationals of another State or in the territory of another State;

– When both the terrorist and the victim of terrorism are nationals of the same State or different States, but the offence is committed outside the territories of those States;

(4) "Terrorist act" shall mean direct commission of a terrorist offence in the form of an explosion, arson, or the use or threat of the use of nuclear explosive devices, or radioactive, chemical, biological, bacteriological, explosive, toxic, noxious, virulent or poisonous materials; the destruction, damage or seizure of means of transport and tangible assets and other property; an attempt on the life of the President of Turkmenistan, other government or public figures, representatives of national, ethnic, religious or other groups, representatives of foreign States or employees of international organizations who enjoy international legal protection or diplomatic immunity and also attacks on the official premises or means of transport of such persons; hostage-taking; kidnapping; endangering the life, health or property of the public by creating the conditions for technogenic accidents or disasters or the credible threat of posing such danger; spreading threats of any kind by any means; and other actions endangering human life and health, or causing significant property damage and other consequences constituting a public danger;

(5) "Terrorist offences" shall mean the offences specified under articles 130, 170, article 176, paragraph 1, and articles 271 to 273 of the Criminal Code of Turkmenistan. Other offences specified in the Criminal Code of Turkmenistan may be treated as terrorist offences if they are committed for terrorist purposes;

(6) "Terrorist" shall mean a person who participates in terrorist activity in any form;

(7) "Terrorist group" shall mean a group of persons who have joined together for the purpose of engaging in terrorist activity;

(8) "Terrorist organization" shall mean an organization established for the purpose of engaging in terrorist activities or which recognizes the possibility of the use of terrorism in its activities. An organization shall be deemed a terrorist organization if even one of its subgroups or a specific member of that organization engages in terrorist activities with the knowledge of even one of the governing bodies of that organization;

(9) "Combating terrorism" shall mean activities to prevent, detect and suppress terrorist activity and minimize its consequences;

(10) "Anti-terrorist operation" shall mean special measures to suppress terrorist activities, ensure the security of individuals, neutralize terrorists and also minimize the consequences of a terrorist act;

(11) "Anti-terrorist operations area" shall mean the specific land or water areas, means of transport, buildings, facilities, installations, premises and adjoining territory or waters, and other designated areas within which said operations are carried out;

(12) "Hostage" shall mean individuals seized and/or held captive for the purpose of compelling a State, organization or individual to perform any act or refrain from performing any act as a condition for the release of the person held captive.

Article 2
Legal bases for combating terrorism

The legal basis for combating terrorism comprises the Constitution of Turkmenistan, decisions of the Khalk Maslakhaty (People's Council) of Turkmenistan, the Criminal Code of Turkmenistan, this Act, other acts of Turkmenistan, decrees and decisions of the President of Turkmenistan, the universally recognized principles and rules of international law, the international treaties to which Turkmenistan is a party and also the normative legislative acts of the relevant State bodies adopted in accordance with them.

Article 3
Purposes of combating terrorism

Combating terrorism in Turkmenistan shall be carried out for the purposes of:

(1) Protecting individuals, society and the State from terrorism;

(2) Preventing, detecting and suppressing terrorist activity and minimizing its consequences;

(3) Detecting and remedying the causes and conditions that are conducive to terrorist activity.

Article 4
Basic principles of combating terrorism

Combating terrorism in Turkmenistan is based on the following principles:

(1) Rule of law;

(2) Primacy of preventive measures against terrorism;

(3) Inevitability of punishment for engagement in terrorist activities;

(4) Combining overt and covert counter-terrorism methods;

(5) Comprehensive use of preventive, legal, political, social, economic and advocacy measures;

(6) Primacy of the defence of the rights of persons endangered by terrorist acts;

(7) Unity of command over forces and facilities involved in the conduct of anti-terrorist operations;

(8) Non-disclosure of techniques and tactics for conducting anti-terrorist operations and also of the identity of participants in such operations.

Article 5
International cooperation of Turkmenistan in the area of combating terrorism

1. In accordance with international agreements, Turkmenistan shall cooperate with foreign States, their law enforcement bodies and special services in combating terrorism as well as with international organizations engaged in fighting terrorism and provide assistance to other Governments in connection with criminal investigations or the criminal prosecution of persons involved in the financing or support of terrorist activity, including help in turning over any available evidence needed for such prosecution.

2. Guided by its interest in ensuring the security of individuals, society and the State, Turkmenistan shall pursue the criminal prosecution in its territory of persons engaged in terrorist activity, including cases of terrorist acts planned or conducted outside Turkmenistan that nevertheless harm Turkmenistan and other cases provided for under international agreements to which Turkmenistan is a party.

In accordance with its national laws and the rules of international law, Turkmenistan shall prevent and suppress the financing of terrorist activity, promptly freeze funds and other financial assets, holdings, economic resources and tangible assets of persons who commit or attempt to commit terrorist acts or assist in committing them; organizations, directly or indirectly owned or under the control of such persons; and also persons and organizations operating on behalf of or on instructions from such persons and organizations, including funds received or obtained either with the use of property directly or indirectly owned or under the control of such persons or persons and organizations associated with them.

Chapter 2. Organizational bases for combating terrorism

Article 6
State bodies engaged in combating terrorism

1. The President and Cabinet of Ministers of Turkmenistan shall exercise general leadership in combating terrorism and provide the necessary forces, facilities and resources for that purpose.

2. The government bodies of Turkmenistan directly engaged in combating terrorism within their mandates shall include:

– The Ministry of National Security;

– The Ministry of Internal Affairs;

– The Security Service of the President of Turkmenistan;

– The Ministry of Defence;

– The State Service for the Registration of Foreign Nationals;

– The State Border Service;

– The State Customs Service;

– The General Prosecutor's Office.

3. Other government bodies shall also be involved in efforts to prevent, detect and suppress terrorism within their mandates.

4. The State Counter-Terrorism Commission, established by the President of Turkmenistan, shall coordinate the activities of and ensure cooperation among government bodies engaged in combating terrorism.

Article 7
Basic responsibilities of the State Counter-Terrorism Commission

The State Counter-Terrorism Commission shall have the following basic responsibilities:

- To formulate, on the instructions of the President of Turkmenistan, the basis of the government policy on combating terrorism in Turkmenistan and recommendations to enhance the effectiveness of work on detecting and remedying the causes and conditions that contribute to the rise of terrorism and to terrorist activity;
- To collect and analyse information on the status of and trends in potential terrorist activity in the territory of Turkmenistan;
- To coordinate the activities of and foster cooperation among government bodies engaged in combating terrorism and public associations for the purpose of harmonizing their actions to prevent, detect and suppress terrorist acts and also to identify and remedy the causes and conditions that contribute to the preparation and carrying out of terrorist acts;
- To establish a list of important government sites, buildings and lines of communication requiring protection;
- To take part in drafting international anti-terrorism agreements to which Turkmenistan is to be a party;
- To promote the education and training of specialists and research in combating terrorism, including the study and use of international practice;
- To develop proposals to improve the legislation of Turkmenistan on combating terrorism.

Article 8
Authority of government bodies directly engaged in combating terrorism.

1. The activities of government bodies directly engaged in combating terrorism shall be guided by the Constitution, decisions of the Khalk Maslakhaty (People's Council), this Act, other laws, acts of the President of Turkmenistan and international agreements to which Turkmenistan is a party.

2. The Ministry of National Security of Turkmenistan shall combat terrorism through:

- The prevention, detection and suppression of terrorist offences, including offences committed for political purposes, and also the prevention, detection and suppression of international terrorist activity in accordance with criminal procedure legislation and preliminary criminal investigations into such offences;
- Ensuring the security of the institutions of Turkmenistan and the personnel and their family members located outside the territory of Turkmenistan;

– Information-gathering on the activities of foreign and international terrorist organizations.

3. The Ministry of Internal Affairs of Turkmenistan shall combat terrorism, in accordance with its authority, through the prevention, detection and suppression of terrorist offences.

4. The Security Service of the President of Turkmenistan shall combat terrorism, in accordance with its authority, by ensuring the safety of the President of Turkmenistan and his family members and protecting their property.

5. The Ministry of Defence of Turkmenistan shall preserve the integrity and defend operational military equipment, weapons, ammunition and explosive substances, protect military sites and also take part in safeguarding the national maritime shipping industry and airspace of Turkmenistan in carrying out anti-terrorist operations.

6. The State Service for the Registration of Foreign Nationals of Turkmenistan shall combat terrorism by monitoring, in accordance with its authority, the observance of entry, exit and residence procedures of foreign nationals in Turkmenistan and, in cooperation with other law enforcement agencies of Turkmenistan, take the appropriate measures provided for under the legislation of Turkmenistan to prevent, detect and suppress potential offences where a possible terrorist threat is identified.

7. The State Border Service shall combat terrorism through the prevention, detection and suppression of attempts by terrorists to cross Turkmenistan's State border and also the illegal movement across the State border of weapons and explosive, poisonous and radioactive substances and other items that may be used to commit a terrorist offence and shall take part in ensuring the security of the national maritime shipping industry within the territorial waters and economic area of Turkmenistan and conducting anti-terrorist operations.

8. The State Customs Service of Turkmenistan shall combat terrorism, in accordance with its authority, through the suppression of attempts to import illegally into the territory of Turkmenistan weapons, ammunition and explosive, poisonous and radioactive substances and material, printed and other material calling for the overthrow of the existing constitutional order or commission of other acts that undermine public security, are aimed at the physical elimination of government officials or involve a gross violation of the law and public morality.

9. The General Prosecutor's Office of Turkmenistan and its subordinate agencies shall oversee the precise and consistent observance of the normative legislative acts of Turkmenistan in accordance with their authority, help to halt violations of the law and eliminate the causes and conditions that may cause terrorism to occur, and also conduct criminal investigations into terrorist offences.

10. The government bodies listed in this article shall develop and implement in accordance with their authority preventive, procedural, organizational and other measures to prevent, detect and suppress terrorist activity and establish and maintain departmental systems for countering terrorist acts.

Article 9
Authority of other government bodies in combating terrorism

1. The ministries and departments not referred to in article 8 of this Act, local executive bodies and local administrations shall be involved in combating terrorism within the limits of their authority through the development and implementation of preventive, procedural, organizational, educational and other measures to prevent and suppress terrorist acts, the establishment and maintenance in the necessary state of readiness of departmental systems for taking preventive measures to counter the carrying out of terrorist offences and the provision of financial resources, information and means of transport and communication, medical equipment and medical services and logistical support.

2. The procedures by which the government bodies referred to in paragraph 1 of this article provide logistical and financial support, information, means of transportation and communication, medical equipment, medicines, and medical care shall be established by the Cabinet of Ministers of Turkmenistan.

Article 10
Assistance to government bodies directly engaged in combating terrorism

1. Government bodies and also organizations, regardless of the form of ownership, public associations and officials of Turkmenistan shall provide the necessary assistance to government bodies directly engaged in combating terrorism.

2. Citizens shall immediately inform government bodies directly engaged in combating terrorism of any information available to them on terrorist activity. Concealment of such information shall entail the liability established under the laws of Turkmenistan.

Article 11
The role of public associations and the mass media in combating terrorism

1. Public associations shall provide assistance, to the extent of their capabilities, to government bodies involved in combating terrorism in identifying the causes and conditions contributing to terrorist activity and preventing and suppressing manifestations of terrorism.

2. The mass media together with interested ministries and departments and public associations shall conduct comprehensive and targeted work to further inculcate in the citizens of Turkmenistan lofty spiritual and moral ideals and instil in younger generations a sense of national pride, loyalty to national traditions and their people and a constant readiness to sacrifice their lives for the cherished fatherland and to ensure its security and inviolability.

3. The activities of the organizations referred to in paragraph 1 of this article shall include taking appropriate measures to instil in society strict intolerance for various anti-constitutional occurrences that may give rise to terrorist activity.

Chapter 3. Conduct of anti-terrorist operations

Article 12
Command of anti-terrorist operations

1. Upon a decision of the President of Turkmenistan, an operational headquarters shall be established for the direct command of anti-terrorist operations

headed by a representative of either the Ministry of National Security or the Ministry of Internal Affairs of Turkmenistan depending on which of those bodies has the primary authority for the conduct of a specific anti-terrorist operation.

2. The operating procedures of the operational headquarters shall be determined by regulations approved by the President of Turkmenistan.

3. Depending on the scope and degree of the threat to society and expected negative consequences of a terrorist act, the President of Turkmenistan may appoint a representative of the State Counter-Terrorism Commission or any other government official as head of the operational headquarters.

4. All military personnel, and personnel and specialists involved in an anti-terrorist operation shall be, as soon as the operation begins, under the command of the head of the operational headquarters directing the counter-terrorist operation.

5. The head of operational headquarters directing anti-terrorist activities shall determine the boundaries of the anti-terrorist operation area and take decisions on the use of forces and equipment, including special equipment deployed for conducting such an operation. Interference by any other person, regardless of his position, in the operational command of the anti-terrorist operation shall be prohibited.

Article 13
Forces and equipment for conducting an anti-terrorist operation

For the purpose of conducting an anti-terrorist operation, the operational headquarters in charge of the operation shall have the right to engage the necessary forces and equipment of government bodies directly involved in combating terrorism. The executive authorities shall allocate the means of transport, funds, means of communication and other logistical support needed for conducting the anti-terrorist operation.

Article 14
Legal regime in the anti-terrorist operation area

1. In the anti-terrorist operation area, persons conducting such an operation shall have the right:

(1) To take steps, where necessary, to limit or prevent temporarily the movement of means of transport and pedestrians on streets and roads, to deny access of vehicles, including the vehicles of diplomatic representatives, consular institutions and nationals, to specific areas and sites or to remove nationals and tow away vehicles from specific areas and sites;

(2) To verify the identification documents of citizens and officials and, where such documents are lacking, to detain those persons to establish their identities;

(3) To detain and hand over to the internal affairs agencies persons who have committed or are committing offences or other acts aimed at obstructing the legitimate demands of persons carrying out an anti-terrorist operation and also acts relating to unauthorized entry into or an attempt to enter the anti-terrorist operation area;

(4) To enter or access without hindrance housing or any other premises belonging to citizens or their land, vacation property, or gardens or the grounds or premises of organizations, regardless of the form of ownership, and to enter vehicles while suppressing a terrorist act or pursuing persons suspected of committing a terrorist act if any delay may pose a genuine threat to the life and health of people;

(5) To carry out a personal search of citizens, a search of their personal belongings, search and verification of vehicles and articles being transported in them, including with the use of technical means;

(6) To use means of communication, including special means, for official purposes and also means of transport belonging to citizens and organizations, regardless of the form of ownership (with the exception of the vehicles of diplomatic, consular and other representatives of foreign States and international organizations), in order to prevent a terrorist act, pursue and detain persons who have committed a terrorist act, transport persons requiring emergency medical assistance to medical treatment facilities, or travel to the scene of an incident;

(7) To use weapons and special means against terrorists without prior warning or the restrictions provided for in accordance with the legislation of Turkmenistan in the event of a threat to the life and health of hostages, other citizens and also military personnel, and personnel and specialists of special units.

2. Mass media personnel shall be permitted in the anti-terrorist operation area with the authorization of the head of the operational headquarters, who is authorized to regulate their activities within that area.

Article 15
Conduct of negotiations with terrorists

1. Negotiations with terrorists may be held in the conduct of an anti-terrorist operation for the purpose of preserving human life and health and tangible assets and also to study the possibility of suppressing the terrorist act without the use of force. Only persons specially authorized by the head of the operational headquarters in charge of the anti-terrorist operation may conduct negotiations with terrorists.

2. During negotiations with terrorists, no consideration may be given to the question of surrendering to terrorists any person or transferring to them weapons or other equipment or items that may be used to threaten human life and health or of meeting the demands of the terrorists.

3. The conduct of negotiations with terrorists may not serve as grounds or conditions for exempting them from responsibility for acts committed.

Article 16
Informing the public about a terrorist act

1. During the conduct of an anti-terrorist operation, the form of and extent to which information about a terrorist act is provided to the public shall be determined by the head of the operational headquarters in charge of the anti-terrorist operation or a representative of the headquarters responsible for communicating with the public.

2. The dissemination of the following kinds of information shall be prohibited:

(1) Information provided through video recordings or through direct radio and television broadcasts from the anti-terrorism operation area;

(2) Information disclosing special technical devices or tactics for carrying out the anti-terrorist operation;

(3) Information capable of impeding the conduct of the anti-terrorist operation or threatening the lives and health of people located within or outside the anti-terrorist operation area;

(4) Information advocating or justifying terrorism or extremism;

(5) Information containing details on the personnel of special units, members of the operational headquarters in charge of an anti-terrorist operation while it is being conducted and also persons who are assisting in the conduct of that operation.

3. Persons who disseminate information referred to in paragraph 2 of this article shall be prosecuted under the current legislation of Turkmenistan.

Article 17
Completion of an anti-terrorist operation

1. An anti-terrorist operation shall be considered completed when the terrorist act has been suppressed (halted), and the threat to the life and health of persons within the anti-terrorism operation area has been eliminated.

2. The decision to declare the anti-terrorist operation completed shall be taken by the head of the operational headquarters directing the anti-terrorist operation.

Chapter 4. Compensation for injury and social rehabilitation for persons affected by a terrorist act

Article 18
Compensation for injury caused by a terrorist act

Compensation for injury caused by a terrorist act shall be paid from funds from the State budget of Turkmenistan with subsequent recovery of the amount of such compensation from the person who caused the injury according to the procedure established under the legislation of Turkmenistan.

Article 19
Social rehabilitation of persons affected by a terrorist act·

The social rehabilitation of persons affected by a terrorist act shall include legal assistance and psychological and medical rehabilitation according to the procedures established by the Cabinet of Ministers of Turkmenistan.

Chapter 5. The legal and social protection of persons participating in combating terrorism

Article 20
Persons participating in combating terrorism who are eligible for legal and social protection

1. Persons participating in combating terrorism shall be under State protection. The following shall be eligible for legal and social protection:

(1) Military personnel, and personnel and specialists of State bodies participating (or having participated) directly in combating terrorism;

(2) Persons assisting, on a permanent or temporary basis, the State bodies combating crime, in preventing, detecting and suppressing terrorist activity and minimizing its consequences;

(3) Family members of persons listed in subparagraphs (1) and (2) of paragraph 1 of this article, if they require protection as a result of a listed person's participation in combating terrorism.

2. The social protection of persons enlisted to combat terrorism shall be effected taking into account the legal status of such persons as established by laws and other normative legislative acts, in accordance with the procedure defined by the Cabinet of Ministers of Turkmenistan.

Article 21
Compensation for injury caused to persons participating in combating terrorism

1. Compensation shall be paid under the legislation of Turkmenistan for injury to the health or damage to the property of persons listed in article 20 of this Act resulting from their participation in combating terrorism.

2. In the event of the death of a person participating in combating terrorism in the course of an anti-terrorist operation, the family members of the deceased and his dependants shall be paid a one-time benefit payment from the State budget in the amount established by the legislation of Turkmenistan, an allowance shall be awarded in the event of the loss of a breadwinner, and housing privileges and payment of residential public utility services shall be preserved where the deceased possessed such privileges.

3. In the event that a person participating in combating terrorism suffers serious injury in the course of an anti-terrorist operation entailing subsequent disability, he shall be paid a one-time benefit payment from the State budget, and an allowance shall be awarded pursuant to the legislation of Turkmenistan.

4. In the event that a person participating in combating terrorism suffers injury in the course of an anti-terrorist operation not entailing subsequent disability, he shall be paid a one-time benefit payment from the State budget in the amount established by the legislation of Turkmenistan.

5. Military personnel and personnel and specialists serving or having served in specialized units engaged (having engaged) directly in combating terrorism:

(1) Shall accumulate time served at the rate of one and a half days per day of actual service and at the rate of three days per day of service while participating in anti-terrorist operations in calculations of length of service for pension purposes;

(2) Shall be paid a 30 per cent bonus to their official salary for special conditions of work while serving in these specialized units.

Article 22
Exemption from liability for causing injury or damage

In the conduct of an anti-terrorist operation on the basis of and within the limits established by this Act, the necessary causing of injury to the lives and health of terrorists or damage to their property or other interests protected by law shall be

permitted. Military personnel, specialists and other persons participating in combating terrorism shall be exempt from liability for injury or damage caused in the conduct of an anti-terrorist operation.

Chapter 6. Liability for participation in terrorist activity

Article 23
Liability of persons for participation in terrorist activity

Persons guilty of participating in terrorist activity shall incur the liability provided for under the Criminal Code of Turkmenistan.

Article 24
Liability of organizations for terrorist activity

1. An organization which has carried out terrorist activities shall be recognized as a terrorist organization and shall be subject to disbandment on the basis of decision by a kazyeta (court). When an organization that is recognized as a terrorist organization is disbanded, its property shall be confiscated and sold in accordance with the procedure established by law, and the resulting proceeds shall be transferred to the centralized budget of Turkmenistan.

2. If an international organization (one of its sections, branches or offices) that is registered outside Turkmenistan is recognized as a terrorist organization by the court in question, activities by the organization shall be prohibited in the territory of Turkmenistan, its sections (branches or offices) shall be closed, and property belonging to them as well as the property of the international organization in question situated in the territory of Turkmenistan shall be confiscated and sold in accordance with the procedure established by law, and the resulting proceeds shall be transferred to the centralized budget of Turkmenistan.

3. A bill of indictment against an organization for terrorist activity shall be lodged with the court by the General Prosecutor of Turkmenistan or by his deputies.

Chapter 7. Final provisions

Article 25
Control over anti-terrorism activities

Control over anti-terrorism activities in Turkmenistan shall be exercised by the President of Turkmenistan and by the Cabinet of Ministers of Turkmenistan.

Article 26
Monitoring of legality in combating terrorism

Monitoring of compliance with the law in combating terrorism shall be ensured by the General Prosecutor of Turkmenistan and by his deputies.

Article 27
Liability for the violation of laws on combating terrorism

A violation of the laws of Turkmenistan on combating terrorism shall incur the liability provided for by the legislation of Turkmenistan.

Paragraph 1.3

The legislation in force in Turkmenistan does not contain obligations for financial bodies to provide reports from the banking institutions. The provision of such reports is voluntary.

No specific criteria for identifying suspicious transactions have been defined, except the criteria of the regularity of transfers and the amounts involved in transfers, as we reported earlier, i.e. according to the Rules governing the procedure to be followed by banks in the territory of Turkmenistan when carrying out foreign currency transactions, approved by decision of the President of Turkmenistan No. 5490 of 7 January 2002 on measures to regularize foreign currency transactions in the territory of Turkmenistan, in cases when money orders in freely convertible currency exceed $5,000 (or its equivalent in another foreign currency) and/or are regular in nature, or the amount involved in transactions over a three-month period totals $15,000, the authorized bank is required to request documents from the physical person confirming their origin or grounds for receipt of the funds. Furthermore, in accordance with the aforementioned Rules, anonymous accounts of physical persons who are residents or non-residents of Turkmenistan may be opened for a period of not less than six months; anonymous accounts receive foreign currency only in cash, and the balance in the account must not exceed $10,000 (or the equivalent in another currency).

Paragraph 1.4

Decree No. 5490 of 7 January 2002 was adopted by the decision of the President of Turkmenistan on measures to regularize foreign currency transactions in the territory of Turkmenistan, which confirms the Rules governing the procedure to be followed by banks in the territory of Turkmenistan when carrying out foreign currency transactions.

These Rules contain the following sections:

(1) Procedure for the purchase and issuance of foreign currency for the payment of travelling expenses;

(2) Procedure for carrying out foreign currency exchange transactions;

(3) Procedure for carrying out foreign currency transfers by physical persons from and to Turkmenistan without opening foreign currency accounts;

(4) Procedure for conducting foreign currency transactions on the accounts of physical persons engaged in entrepreneurial activity (entrepreneurs);

(5) Procedure for conducting foreign currency transactions on the deposits of physical persons. The Rules are aimed at regularizing foreign currency transactions conducted by authorized banks in the territory of Turkmenistan and establishing general rules that ensure the legality of executing transactions conducted by the clients of authorized banks through their mediation.

Paragraph 1.5

The Act on commercial banks and banking activities clearly defined the cases when information is provided on the accounts of clients, namely that:

"Information about the transactions and accounts of juridical persons may be issued to the juridical persons themselves, their higher organizations, State tax inspectorates, courts, investigative bodies and audit bodies, upon their official request.

"Information about the accounts and deposits of citizens, in addition to the clients themselves and their representatives, is also given to courts and investigative bodies working on particular cases.

"Information about accounts and deposits, in the event of the death of their holders, is issued to the persons designated by the account or deposit holders in a testamentary disposition, to the governmental notary offices working on their inheritance cases, and to the foreign consular institutions."

Paragraph 1.6

Turkmenistan does not currently have a specific law on money-laundering. Under the Act of Turkmenistan on combating terrorism adopted on 15 August 2003, in accordance with its own national legislations and the norms of international law, Turkmenistan prevents and suppresses the financing of terrorist activities and promptly blocks funds and other financial assets, deposits, economic resources and material assets of persons who commit or attempt to commit terrorist acts or assist in their commission; of organizations directly or indirectly owned or under the control of such persons; and of persons and organizations, operating on behalf of or on instructions from such persons and organizations, including funds received or obtained by them or with the use of property owned by them, directly or indirectly or under the control of such persons or persons and organizations associated with them.

Paragraph 1.7

A Financial Intelligence Unit has not been established in Turkmenistan's banking system.

Paragraph 1.8

Turkmenistan does not have special laws to regulate alternative remittance systems.

Paragraph 1.10

The International Convention for the Suppression of the Financing of Terrorism (adopted by the General Assembly on 9 December 1999). On 7 January 2005, instruments were exchanged between Turkmenistan and the United Nations Secretary-General for accession to the Convention. The Convention will enter into force for Turkmenistan on 6 February 2005.

Paragraph 1.11

Turkmenistan, strongly condemning international terrorism as a terrible evil directed against all mankind and an attempt to undermine the basis of contemporary civilization, endeavours to strengthen cooperation with the world community in combating international terrorism. Mutual assistance is afforded among domestic counter-terrorism bodies and the counter-terrorism bodies and services of foreign

States on the basis of bilateral and multilateral agreements, including interdepartmental agreements.

The conclusion of such agreements is the basis for conducting operational and investigative measures and procedural actions, searching for persons who have committed terrorist crimes and so forth.

The extradition of persons who have committed a crime is effected on the basis of article 9 of the Criminal Code of Turkmenistan.

Mutual legal assistance is provided by the States members of the Commonwealth of Independent States (CIS) on the basis of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases (Minsk Convention), signed in Minsk on 22 January 1993, and on the basis of the bilateral treaties and agreements on legal assistance and legal relations concluded between Turkmenistan and Georgia, Uzbekistan, Kazakhstan, Armenia and the Islamic Republic of Iran.

The transfer of sentenced persons is effected on the basis of the Agreement on the procedure for the transfer and transit of persons taken into custody, concluded by the Ministries of Internal Affairs of the CIS States members in Ashgabat on 17 February 1997. Turkmenistan has also concluded a Treaty with the Russian Federation on the transfer of persons sentenced to imprisonment for the purpose of serving a sentence. Similar treaties have been concluded with the Republic of Kazakhstan and the Republic of Belarus.

Furthermore, an Agreement was signed on 25 December 2003 in Ashgabat between the Governments of the United States of America and Turkmenistan regarding the surrender of persons to the International Criminal Court (approved by Decision No. 6565 of the President of Turkmenistan of 29 January 2004).

In accordance with the inter-State treaties concluded by Turkmenistan, and where there are legal grounds for this, Turkmenistan does not exclude the possibility of considering a request from another State for the freezing of funds intended for terrorist purposes.

Article 5, on international cooperation of Turkmenistan in the area of combating terrorism, of the Act of Turkmenistan on combating terrorism, adopted on 15 October 2003, states:

> "1. Turkmenistan, in accordance with international agreements, shall cooperate in the area of combating terrorism with foreign States, their law enforcement agencies and special services, and also with international organizations engaged in combating terrorism; it shall provide assistance to other States in connection with criminal investigations or the criminal prosecution of persons linked to the financing or support of terrorist activities, including assistance in transmitting the available evidence needed for such prosecution.
>
> "2. Turkmenistan, guided by its interest in ensuring the security of individuals, society and the State, shall carry out the criminal prosecution in its territory of persons engaged in terrorist activity, including cases of terrorist acts planned or conducted outside Turkmenistan that are nonetheless prejudicial to Turkmenistan and other cases provided for under the international agreements to which Turkmenistan is a party.

"3. Turkmenistan, in accordance with its own national legislation and the norms of international law, shall prevent and suppress the financing of terrorist activities and shall promptly block funds and other financial assets, deposits, economic resources and material assets of persons who commit or attempt to commit terrorist acts or assist in their commission of organizations directly or indirectly owned or under the control of such persons; and of persons and organizations operating on behalf of or on instructions from such persons and organizations, including funds received or obtained by them or with the use of property owned by them, directly or indirectly or under the control of such persons or persons and organizations associated with them."

The introduction by Turkmenistan of national regulations enabling it to cooperate with other countries, in the absence of bilateral intergovernmental or international agreements, is not advisable.

On the basis of reciprocity, in the absence of bilateral treaties and international agreements, Turkmenistan in practice always provides legal assistance on criminal matters to other countries for the execution of specific court proceedings, if this does not conflict with the legislation of Turkmenistan or prejudice the sovereignty and security of our State.

Issues related to extradition, the transfer of criminal proceedings and the transfer of sentenced persons to serve a further sentence are dealt with exclusively on the basis of bilateral intergovernmental treaties and international agreements.

Draft Code of Criminal Procedure of Turkmenistan

Article 543
Court proceedings and other actions in the course of providing legal assistance

1. In the course of providing legal assistance for investigative bodies and courts of foreign States with which Turkmenistan has concluded international agreements on legal assistance or with which reciprocity has been established, court proceedings may take place as provided for under other laws and international agreements of Turkmenistan.

2. Should the provisions of an international agreement which Turkmenistan has ratified conflict with those of this Code, the provisions of the international agreement shall prevail.

3. The requested institution in the territory of the State concerned shall bear the expenses incurred in providing legal assistance, unless otherwise provided in an international agreement to which Turkmenistan is a party.

Article 551
Requests for extradition to stand trial or to serve a sentence

1. In the cases and in the manner prescribed in the legislation and international agreements of Turkmenistan, the Public Prosecutor of Turkmenistan shall request the appropriate institution of a foreign State to extradite to Turkmenistan a national of Turkmenistan who has been found guilty of a crime or who is the subject of a decision summoning him to appear as a defendant. The body directing criminal proceedings shall apply to the General Prosecutor of Turkmenistan for the extradition of an individual who has committed a crime in the

territory of Turkmenistan and has left that territory, attaching to the application all the necessary documents.

2. The request for extradition must contain:

(1) The name of the body whose proceedings relate to the criminal case;

(2) The full name of the convicted person or defendant; date and place of birth; nationality; physical description; a photograph, where possible; place of residence or temporary place of residence; and other information known about his identity;

(3) Details of the factual circumstances of the crime, the text of the law providing for liability for the crime or an extract thereof; and the punishment specified by the law;

(4) Details of the date and place of the sentence in force, or the decision summoning him to appear as a defendant, with certified true copies of the relevant documents.

3. The request for extradition must be accompanied by: a copy of the order for announcement of charges, a copy of the custody order, a document confirming the nationality of the individual to be extradited and the ruling of the prosecutor concerned on the legality and foundation of the extradition request.

Article 552
Limits of the criminal liability of the extradited individual

1. Individuals extradited may not be held criminally liable, punished or handed over to a third State for another crime that is not related to the extradition without the consent of the State from which extradition took place.

2. The rules laid down in paragraph 1 of this article shall not apply to crimes committed after extradition.

Article 553
Fulfilling a request for the extradition of a foreign national

1. A request for the extradition of a national of a foreign State accused or convicted of a crime in the territory of a foreign State shall be examined by the General Prosecutor of Turkmenistan, whose orders shall form the basis for carrying out the extradition. If several States request the extradition of the same individual, the General Prosecutor of Turkmenistan shall decide to which of those States the individual is to be extradited.

2. The conditions and procedure for extradition shall be determined by this Code and an international agreement between Turkmenistan and the relevant foreign State.

3. If a national of a foreign State who is the subject of an extradition request is serving a sentence for another crime committed in the territory of Turkmenistan, extradition may be postponed until the sentence has been served, until the issuance of amnesty or pardon acts or until release from that sentence on any legal grounds. If the foreign national has been brought to criminal trial, extradition may be postponed until a verdict has been handed down, until the sentence has been served or until acquittal of criminal liability or punishment measures for whatever reason. If postponement of the extradition may lead to expiry of the prescriptive limit on

criminal prosecution or impair investigation of an offence, the individual who is the subject of the extradition request may be temporarily extradited by mutual agreement between the parties.

4. Individuals extradited temporarily must be returned on completion of the criminal proceedings in which they participated no later than three months from the date of extradition. That period may be extended by mutual agreement, but for no longer than the length of the sentence imposed or the length of the sentence which, under the law, may be imposed, on the person for committing the offence in the territory of Turkmenistan.

5. Having received an extradition order from the General Prosecutor of Turkmenistan, the institution where the person concerned is being held shall have 30 days in which to transport and hand him over to the appropriate body in the State to which the person is returning, and to inform the General Prosecutor of Turkmenistan that the order has been carried out.

Article 554
Refusal to extradite

1. Extradition to another State shall not be carried out or shall be refused in the following circumstances:

(1) The person requested has been granted political asylum by Turkmenistan;

(2) The act that is the basis for the extradition request is not considered an offence under the laws of Turkmenistan;

(3) A sentence which is legally in effect has already been imposed on the person for the same offence or proceedings in the case have been halted;

(4) Criminal proceedings may not be brought or a sentence may not be carried out under the laws of Turkmenistan because of expiry of the prescriptive limit or for other legal grounds.

2. Extradition may also be refused if the offence for which extradition is being requested was committed within or outside the territory of Turkmenistan but was directed against its interests.

Article 555
Continuation of prosecution of stateless persons and nationals of third countries and extradition thereof

1. The procedure for sending materials and documents for continuing the prosecution of or for executing applications to continue the prosecution of or to institute criminal proceedings against stateless persons or nationals of third countries shall be determined by the rules contained in articles 549 and 550 of this Code.

2. The procedure for extraditing stateless persons or nationals of third countries is determined by the rules contained in articles 551, 552, 553 and 554 of this Code.

Article 556
Detention for extradition purposes

1. On receipt of a request drawn up in compliance with all the regulations from the relevant competent authority of a foreign State, and if there are lawful grounds for the person's extradition, he may be arrested and placed in detention for extradition purposes as a measure of restraint. On application by the requesting State, a person may also be held in custody prior to receipt of the extradition request. The application must contain a reference to a decision to place the person in custody or to a sentence that is legally in force and an indication that the extradition request will be submitted subsequently. The application for detention in custody prior to submission of the extradition request may be transmitted by post, telegraph, telex or facsimile or in electronic form. After consideration of the materials submitted, if there are sufficient grounds to believe that the person detained and the person sought are the same person, and in the absence of grounds set forth in article 554 of this Code, the prosecutor shall take a decision concerning detention for extradition purposes, about which he shall notify the detained person against his signature in the decision. The prosecutor shall immediately send a report to the General Prosecutor of Turkmenistan on the detention for extradition purposes that he has ordered. The report shall indicate the State of which the detained person is a citizen and the name of the body seeking him.

2. A person may also be detained for up to three days without the application stipulated in paragraph 1 of this article, if there are legal grounds law to suspect that he may have committed in the territory of another State an offence which may entail extradition. The appropriate institution of the foreign State that has sent or may send the extradition application shall be informed immediately that the person has been placed in custody, and a time and place for the extradition shall be proposed.

3. If the extradition does not take place within 30 days, the person detained in custody shall be released in accordance with a decision by the prosecutor. A person detained under paragraph 2 of this article must be released if no request for his extradition is received within the period specified under the legislation of Turkmenistan. A person may be placed in custody a second time only after consideration of a new extradition request received in conformity with paragraph 1 of this article.

4. A prosecutor may detain a person for extradition purposes under article 553 of this Code for up to one month. If no extradition request is received within this time from the competent body of the State seeking the person but there is an application for detention and a guarantee that the application for extradition will be sent, a regional prosecutor may, on the application of the prosecutor who ordered this detention, extend the period of detention for extradition purposes to two months; and the General Prosecutor of Turkmenistan shall be informed thereof. Only in exceptional cases, under the conditions indicated in paragraph 2 of this article, the General Prosecutor of Turkmenistan may, on application by the regional prosecutor, extend the period of detention for extradition purposes to three months.

5. The directors of the detention centre where the detained person is being held must inform the prosecutor who ordered the detention for extradition purposes of the expiration of the period of detention seven days before its expiration.

6. A person detained for extradition purposes shall be released on the decision of the prosecutor who ordered the detention, including, on the expiration of the periods indicated in this article if the extradition has not taken place within that time. The General Prosecutor of Turkmenistan shall be informed thereof.

Article 557
Transit

1. An application from an institution of a foreign State for the transit across the territory of Turkmenistan of a person extradited to that institution by a third State shall be considered under the same procedure as an extradition request.

2. The means of transit shall be determined by the General Prosecutor of Turkmenistan in agreement with the relevant departments.

Article 558
Handover of items

1. In extraditing a person to an institution of a foreign State, items that are instruments used in committing an offence, constitute evidence of an offence or were obtained by criminal means shall be handed over. These items shall be handed over also on the basis of a request and in cases where the extradition of the person cannot take place because of his death or for other reasons.

2. The items indicated in paragraph 1 of this article may be held temporarily if they are needed for proceedings in another criminal case.

3. In order to safeguard the legal rights of third parties, the items indicated in paragraph 1 of this article shall be handed over only if the relevant institution of the foreign State guarantees that they will be returned on the completion of proceedings in the case.

Article 559
Basis for extraditing a person sentenced to imprisonment to serve the sentence in the State of which he is a national

The basis for extraditing a person sentenced to imprisonment by a court of Turkmenistan to serve his sentence in the State of which he is a national, and for extraditing a national of Turkmenistan sentenced by a court in a foreign State to imprisonment, in order to serve the sentence in Turkmenistan, shall be an international treaty concluded by Turkmenistan with the relevant foreign State or a written agreement, on a reciprocal basis between the General Prosecutor of Turkmenistan and the competent bodies and officials of the foreign State.

Article 560
Conditions and procedures under which a convicted person may be extradited to serve a sentence in the State of which he is a national

1. A person convicted upon consideration of his case in Turkmenistan may be extradited to serve the sentence in the State of which he is a national on request of the convicted person, his legal representative or close relative and also on request of the competent authorities of the relevant State with the convicted person's consent.

2. The extradition of the person referred to in paragraph 1 of this article may be carried out by a decision of the General Prosecutor of Turkmenistan only

after the sentence enters into effect. The authorized prosecutor from the General Prosecutor's Office of Turkmenistan shall inform the court which has handed down the sentence of the extradition of the person to his country.

Article 561
Refusal to extradite a person sentenced to imprisonment to a foreign State to serve the sentence

Extradition of a person sentenced to imprisonment by a court of Turkmenistan to serve the sentence in the State of which he is a national may be refused if:

(1) None of the acts which were the basis for convicting the person in Turkmenistan is considered an offence under the law of the State of which the person is a national;

(2) The sentence cannot be carried out in the foreign State because the term of prescription has expired or for other reasons provided for under the laws of that State;

(3) Either the convicted person or the foreign State has failed to provide guarantees that the sentence will be carried out, including with respect to a civil suit;

(4) No agreement on the extradition of the convicted person has been reached under terms provided for in an international treaty;

(5) The convicted person is a permanent resident of Turkmenistan.

Article 562
Consideration of a request by a national of Turkmenistan for admission to serve a sentence

1. A national of Turkmenistan sentenced to imprisonment by a court of a foreign State, his legal representative or a close relative or the competent body of the foreign State may, with the consent of the convicted person, send a request to the General Prosecutor of Turkmenistan for that person to serve his sentence in Turkmenistan.

2. In the event that that request is granted the General Prosecutor of Turkmenistan shall submit a recommendation on the execution of the sentence handed down by a court of a foreign State to the regional court for the place of residence of the convicted person prior to his departure from Turkmenistan. If the convicted person had no permanent place of residence in Turkmenistan, the recommendation shall be submitted to the Supreme Court of Turkmenistan.

Article 563
Procedure to be followed by the court in resolving questions related to the execution of a sentence by a court of a foreign State

1. The recommendation by the General Prosecutor of Turkmenistan for resolving questions relating to the execution of a sentence shall be considered by *kazy* (judges) at hearings in the absence of the convicted person according to the procedure and within the time limit established by this Code.

2. The decision of the judges on the execution of a sentence by a court of a foreign State shall include the following:

(1) The name of the court of the foreign State and time and place in which the sentence was handed down;

(2) The most recent place of residence in Turkmenistan, place of work and type of occupation of the convicted person before consideration of the case by the court;

(3) The criminal law on which the case under consideration in the court is based and the nature of the offence with which the convicted person has been charged;

(4) The criminal law of Turkmenistan establishing liability for the offence committed by the convicted person;

(5) The dates of the beginning and end of the sentence, type and term of the principal and additional sentences which the convicted person must serve in Turkmenistan, the type of correctional facility, and the procedure for reparation of damages in a civil suit.

3. If the maximum term of imprisonment for the offence committed under the law of Turkmenistan is less than the term imposed under the sentence by the court of a foreign State for the commission of the act in question, the judges shall impose the maximum term of imprisonment provided for under the Criminal Code of Turkmenistan. If imprisonment is not specified as a penalty, the judges shall impose a penalty with the limits of the penalty which is established under the Criminal Code of Turkmenistan for the offence in question and which most closely corresponds to the penalty imposed under the sentence by the court of the foreign State.

4. If the sentence relates to two or several acts which individually are not recognized as offences in Turkmenistan, the judges shall determine which part of the penalty imposed under the sentence by the court of a foreign State shall be applied to the act which constitutes the offence.

5. The decision of the judges shall enter into force as soon as it is pronounced and shall be sent to the General Prosecutor of Turkmenistan to ensure its execution.

6. In the event of the annulment or revision of a sentence of a court of a foreign State or the application of an amnesty or a pardon granted in a foreign State, the questions of the execution of the revised sentence and also the application of an amnesty or a pardon with respect to the person serving a sentence in Turkmenistan shall be resolved by the rules set forth in this article.

Paragraph 1.12

The Act of Turkmenistan on combating terrorism established the legal and organizational basis for combating terrorism in Turkmenistan, the procedures governing the activities of and cooperation among State agencies, organizations — irrespective of the form of ownership — and public associations in combating terrorism and the rights and duties of and safeguards for citizens with respect to efforts to combat terrorism.

Article 6 of the Act reads as follows:

"The President and Cabinet of Ministers of Turkmenistan shall exercise general leadership in combating terrorism and provide the necessary forces, facilities and resources for that purpose.

"The Ministry of National Security, the Ministry of Internal Affairs, the Security Service of the President of Turkmenistan, the Ministry of Defence, the State Service for the Registration of Foreign Nationals, the State Border Service, the State Customs Service, and the General Prosecutor's Office shall be the government bodies directly engaged in combating terrorism within the limits of their authority.

"Other government bodies shall also participate in efforts to prevent, detect and suppress terrorism within the limits of their authority.

"The State Counter-Terrorism Commission established by the President of Turkmenistan shall coordinate the activities of and ensure cooperation among government bodies engaged in combating terrorism."

In accordance with article 12 of the Act on the direct command of anti-terrorist operations, upon a decision by the President of Turkmenistan, an operational headquarters is established for the direct command of anti-terrorist operations headed by a representative of either the Ministry of National Security or the Ministry of Internal Affairs of Turkmenistan depending on which of those bodies has the primary authority for the conduct of a specific anti-terrorist operation.

The operating procedures of the operational headquarters are determined by regulations approved by the President of Turkmenistan.

The Ministry of National Security of Turkmenistan conducts preliminary investigations into criminal cases involving terrorist offences, and the Public Prosecutor's Office of Turkmenistan and its subsidiary bodies investigate such cases.

For the purposes of preventing crimes linked to terrorism, the Ministry of Internal Affairs of Turkmenistan, within the limits of its functional duties, conducts ongoing operational and preventive work which also involves the detection of persons, and their associates prone to terrorist activities.

In accordance with the licensing system, the Ministry of Internal Affairs conducts systematic preventive verification of the storage, use and transport of firearms, explosives, and poisonous and radioactive substances.

Paragraph 1.13
The Constitution of Turkmenistan of 18 *Makhtumkuli* (May) 1992

Article 23

Every citizen shall have the right to protection against arbitrary interference in his personal life and also against infringement on the privacy of written, telephone and other communications as well as on his honour and reputation.

The Code of Criminal Procedure of Turkmenistan of 22 December 1961

Article 7.1

Citizens shall be guaranteed the right to inviolability of residence. No one shall have the right to enter a residence against the wishes of the persons residing there without lawful cause.

The personal privacy of citizens and privacy of correspondence, telephone conversations and telegraph communications shall be protected by law.

The search, seizure and inspection of a citizen's premises and attachment and seizure of correspondence at post offices may be carried out only on the grounds and according to the procedures established by this Code.

Article 181.1
Interception and recording of telephone and other conversations

An investigator or investigative agency in an ongoing criminal investigation shall have the right to intercept and record conversations conducted by telephone or other means of communication by a suspect, an accused person or other persons involved in a crime.

If there is a threat of violence, extortion or other unlawful acts against a victim or witness, conversations conducted by telephone or other means of communication may be intercepted and recorded in accordance with a request by such person or with their consent.

Interception or recording may be carried out by a decision of the investigator or investigative agency only with the authorization of the prosecutor or by a court ruling and may continue within a time limit established for the investigation of the criminal case, but for no longer than six months in all.

The decision must indicate the grounds for carrying out such investigative action and also the addresses and telephone numbers of the persons whose conversations are subject to interception and recording, the time limit for them and the persons authorized to conduct it.

Article 181.2
Procedures for intercepting and recording telephone and other conversations

The investigator may independently intercept and record conversations conducted by telephone or other means of communication of a suspect, an accused person or other persons involved in a crime or authorize such interception and recording by an investigative agency in accordance with the procedure established under article 146-1 of this Code.

Such investigative action shall be conducted with the participation of specialists called in accordance with the procedure established under article 146-1 of this Code.

Participants in the interception and recording of conversations shall be informed in advance of their responsibility to disclose any information that comes to their knowledge. Official witnesses shall not be required to be present during the interception and recording of conversations.

In all cases of interception and recording, a report shall be drawn up indicating the time and place of the investigative activity, the type and model of technical equipment used and information on the persons conducting the activity, and a summary of the contents of the audio tape of the conversations relating to the case shall be provided.

Once the investigator receives the cassette with the audio tape, he shall, in the presence of an official witness, examine it, listen to the recording, verify that it has been properly registered and preserved and shall draw up a report in this regard.

The audio tapes of the intercepted conversations shall be attached under seal to the criminal case as evidence on condition that the requirements of the law were strictly observed during the interception and recording. The parts of the recording unrelated to the case shall be destroyed after the sentence enters into effect.

Paragraph 1.14
Draft code of criminal procedure of Turkmenistan

Article 108
Ensuring the safety of victims, the accused, witnesses, experts, specialists and other persons involved in a criminal trial

1. Whenever the investigative agency, investigator, prosecutor or court have sufficient information about the existence of a genuine threat of murder, the use of force, violence, cruelty, destruction of or damage to property or other actions or deeds prohibited under criminal law in connection with the proceedings in the criminal case posed to the victims, accused, witnesses, experts, specialists or other persons involved in the criminal trial or to their close relatives, the former shall take all steps provided for under the legislation of Turkmenistan to defend their lives, honour and dignity, protect their property, ensure their safety and find and institute proceedings against the perpetrators.

2. The body in charge of the criminal proceedings shall take steps to ensure the safety of the persons referred to in paragraph 1 of this article on the basis of their oral or written request or on its own initiative and shall take an appropriate decision on this matter (or the court shall issue a ruling). The prosecutor and investigator, by a reasoned decision, and the court, by its ruling, shall, where necessary, have the right to instruct internal affairs agencies to ensure the safety of those persons and protect their property.

3. A request by a person involved in legal proceedings or his close relatives for the adoption of measures to ensure their security shall be considered by the body conducting the criminal trial within 24 hours from the time that it is received. The applicant shall be notified of the decision taken immediately by sending him a copy of the relevant decision (ruling).

Article 109
Measures to ensure the safety of participants in court proceedings

1. A closed session of the court may be held to ensure the safety of participants in the court proceedings.

2. Upon a request by a witness or the prosecution or on its own initiative, a court shall the right to take a decision to interrogate the witness for the purpose of ensuring his safety or that of his close relatives:

(1) Without disclosure of the identity of the witness and through the use of a pseudonym;

(2) Under conditions ensuring the anonymity of the witness;

(3) Without the witness's being seen by other participants in the court proceedings.

3. The presiding judge shall have the right to prohibit the making of video and audio recordings and other methods of recording the interrogation and to remove the accused and representatives of the defence from the courtroom.

4. Testimony by a witness interrogated by the court in the absence of any of the participants in the proceedings or without their viewing such testimony shall be read out by the presiding judge in the court in the presence of all participants without providing information on that witness.

5. The court shall, where necessary, also take other measures provided for under the law to ensure the safety of the participants in the proceedings and other persons.

6. The criminal prosecution bodies shall be responsible for carrying out the decisions by the court on ensuring the safety of participants in court proceedings and their close relatives.

Turkmenistan is a party to the following international legal instruments in the area of counter-terrorism:

1. International Convention against the Recruitment, Use, Financing and Training of Mercenaries (Decree No. 158-1 of the Mejlis of Turkmenistan of 18 June 1996);

2. Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Decree No. 267-1 of the Mejlis of Turkmenistan of 24 December 1997);

3. International Convention for the Suppression of Terrorist Bombings (Decree No. 365-1 of the Mejlis of Turkmenistan of 30 April 1999);

4. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Decree No. 366-1 of the Mejlis of Turkmenistan of 30 April 1999);

5. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Decree No. 367-1 of the Mejlis of Turkmenistan of 30 April 1999);

6. Convention for the Suppression of Unlawful Seizure of Aircraft (Decree No. 368-1 of the Mejlis of Turkmenistan of 30 April 1999);

7. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Decree No. 369-1 of the Mejlis of Turkmenistan of 30 April 1999);

8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Decree No. 370-1 of the Mejlis of Turkmenistan of 30 April 1999);

9. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Decree No. 371-1 of the Mejlis of Turkmenistan of 30 April 1999);

10. International Convention against the Taking of Hostages (Decree No. 373-1 of the Mejlis of Turkmenistan of 30 April 1999);

11. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Decree No. 374-1 of the Mejlis of Turkmenistan of 30 April 1999).

Paragraph 1.16

On 7 January 2005, Turkmenistan joined the other States that had ratified all 12 United Nations conventions on terrorism by acceding to the following three conventions:

Convention on the Physical Protection of Nuclear Material (Vienna, 3 March 1980);

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 March 1991);

International Convention for the Suppression of the Financing of Terrorism (New York, 9 December 1999).